

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION**

ADVENTIST HEALTH SYSTEM  
SUNBELT HEALTHCARE  
CORPORATION,

Plaintiff,

v.

Case No: 6:22-cv-880-PGB-LHP

RXCROSSROADS, LLC,

Defendant

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**ORDER**

This cause comes before the Court on Plaintiff's Short Form Motion to Compel (Doc. No. 28) nonparty Payspan, Inc.'s response (Doc. No. 30), and Plaintiff's Court-ordered reply (Doc. No. 35). Upon review of these filings, it is not apparent that Plaintiff complied with Local Rule 3.01(g) and the conferral requirements of the Standing Order on Discovery Motions prior to filing the motion to compel. *See* Local Rule 3.01(g); Doc. No. 16 ¶ 1 (requiring the litigants to confer in person or via telephone prior to seeking court intervention). Moreover, in ordering Plaintiff to file a reply, the Court ordered Plaintiff to address Payspan, Inc.'s "representations regarding continuing conferral and production," specifically

citing the provision in the Standing Order on Discovery Motions which requires the parties to continue to confer regarding the discovery dispute. *See* Doc. No. 34. *See also* Doc. No. 16 ¶ 8. However, notably absent from Plaintiff's reply brief is any discussion of Payspan, Inc.'s representation that it "offered to continue to confer with [Plaintiff] in an effort to arrive at a mutually-agreeable third document production, but [Plaintiff] has not responded to Payspan's offer." Doc. No. 35. *See* Doc. No. 30, at 3. Nor does Plaintiff address any ongoing conferral efforts as required by the Standing Order on Discovery Motions or the Court's Order directing a reply. Doc. No. 35. *See* Doc. No. 16 ¶ 8; Doc. No. 34.

Accordingly, it is **ORDERED** as follows:

1. Within **fourteen (14) days** of the date of this Order, Plaintiff and Payspan, Inc. shall engage in a good faith substantive conferral **in person or by videoconference** (telephone, email, or other communication methods will not suffice) regarding the issues raised in Plaintiff's Short Form Motion to Compel (Doc. No. 28).
2. **On or before expiration of this fourteen (14) day period**, Plaintiff and Payspan, Inc. shall file a **joint** status report on the docket, not to exceed **twenty (20) pages** which must address the following:
  - a. The date, time, and length of the conferral, and the method by which the conferral was conducted.

b. The progress and result of the conferral efforts, and whether and to what extent the issues in Plaintiff's Motion (Doc. No. 28) remain outstanding.

c. To the extent that that the issues remain outstanding, a detailed recitation of those issues remaining for resolution by the Court, and a concise statement of each party's position, supported by citation to applicable legal authority, on those issues.

3. The Court will resolve Plaintiff's Motion after receipt of the parties' joint status report, or after setting a hearing on the matter, should the Court deem a hearing necessary.

4. The parties are cautioned that failure to comply with this Order may result in sanctions. *See* Fed. R. Civ. P. 16(f).

**DONE** and **ORDERED** in Orlando, Florida on May 31, 2023.

  
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LESLIE HOFFMAN PRICE  
UNITED STATES MAGISTRATE JUDGE

Copies furnished to:

Counsel of Record  
Unrepresented Parties